

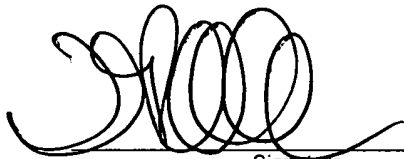
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1163-0356P	
	Application Number 09/955,197-Conf. #8676	Filed September 19, 2001	
	First Named Inventor Tatsuya MITSUGI		
	Art Unit 2174	Examiner R. F. Pitaro	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,439</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right;"> _____ Signature D. Richard Anderson _____ Typed or printed name (703) 205-8035 _____ Telephone number September 12, 2006 _____ Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: 1163-0356P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tatsuya MITSUGI

Application No.: 09/955,197

Confirmation No.: 8676

Filed: September 19, 2001

Art Unit: 2174

For: Communication Network System

Examiner: R.F. Pitaro

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.
The review is being requested for the reasons set forth on the attached five (5) Sheets.



ARGUMENTS

Applicants respectfully submit that the Examiner has made the following clear errors:

- (1) The Examiner is improperly interpreting and applying the prior art in rejecting claims 1-5, 7-11 and 13 under 35 U.S.C. §103(a) as being unpatentable over Britt, Jr. (2002/0032785) in view of Whitledge, et al. (US 6,925,595).
- (2) The Examiner fails to provide proper motivation to combine the teachings of the Britt Jr. and Whitledge.

The Examiner Improperly Applies Britt Jr. and Whitledge

Claim 1 recites, *inter alia*, a conversion/formatting server disposed in a communication link between a content server and one or more portal servers, for converting content information which the conversion/formatting server has acquired from the content server into exchangeable contents information in a predetermined format...formatting the exchanging contents information...into displayable contents information suitable for display on the communication terminal equipment in response to a request from one or more portal servers, and transmitting the formatted contents information to one or more of the one or more portal servers.

In embodiment of the present invention three separate servers are utilized, a portal server, a content server and a conversion/formatting server. The portal server and the content server communicate with each other through the conversion/formatting server. Each communication between the content server and portal server is first sent to the conversion/formatting server which converts the received data from the content server to the appropriate format for use by a display in the portal server.

The Examiner relies upon Britt as the primary reference to teach the general structure defined in claim 1. Britt, however, teaches a portal server 110 that is in communication with other network servers 130. A conversion module 920 is included within each portal server 110 and performs the conversion of data prior to sending the data to the other network servers. See paragraphs 34 and 35. Thus, Britt provides a system in which communication is directly performed through portal servers and conversion is performed directly at each portal server prior to distribution of the data.

As shown in Fig. 1, a system of Britt is constructed by a server 130 and a client 150 in order to present a client-server based architecture. See paragraph 16. The network server results in the client-server based architecture as an element having a function to connect between the server and the client.

Further, as shown in Fig. 3, the system is constructed by a portal server 110 and Internet site 130, which are associated with a wireless computing device 150. The Internet site 130

performs processing as an access point for the wireless computing device 150. See paragraph 33. Thus, the Internet site merely connects between the portal sever and the wireless computing device 150, it merely presents the client-server based architecture of Fig. 1. It is further described in paragraph 33 that the portal server 110 includes a content conversion module 920 and that the portal server carries out the conversion processing.

Applicants respectfully submit that Britt teaches each portal server including a conversion module therein wherein conversion is performed at the portal server itself. Nowhere in Britt does it teach a separate conversion/formatting server for communicating with the portal servers and a content server.

Whitledge teaches a system for content conversion of electronic data using data mining. Data elements are selected and are then converted in a suitable format for displaying on a user device. In Whitledge, a proxy server 14 requests documents from the network device 12. A content server 16 performs conversion of the documents to a suitable format for the network device 12. The proxy server 14 then sends the converted data back to the network device 12. See Fig. 1, columns 6, lines 31-62.

In Fig. 3 of Whitledge, a system is constructed by a network device 12 and a proxy server (and optional ADMIN server and network device 40). The ADMIN server is optional as shown in column 9 of Whitledge, which states “an optional administrative server 42 is a server used to modify configuration files used by the proxy server 14.” The ADMIN server carries out modification of configuration of files used by the proxy server. Further, it is described that the proxy server requests the original electronic document from the network device 12. In addition, it is described in column 6, that “the content converter 16 can also be integral to proxy server 14.” Thus, the content converter 16 is regarded as an element that is added to the proxy server. Also, as shown in column 6, the content converter 16 is a software component. Therefore, the system of Whitledge is actually constructed by a network device 12 and a proxy server.

Whitledge teaches a content server which performs conversion of documents received from a user device via a proxy server and forwards this data to the proxy server which then forwards the data to the users device. Essentially, Whitledge teaches a content server which also performs the operation of converting data. Whitledge does not teach a separate conversion/formatting server as claimed by applicant. Applicant's conversion/formatting server is separate from the content server and the portal servers.

For at least the above noted reasons, applicants submit that the Examiner has inaccurately interpreted the references in applying the rejection.

The Examiner Fails To Provide Proper Motivation to Combine Teachings

The Examiner alleges that Whitledge provides the teaching of a conversion server as claimed and states that motivation to combine Whitledge's teachings with Britt's system is found in Britt, paragraph 51 which states "alternative embodiments of the invention may include numerous different servers (eg, database servers, web servers, etc.), and/or mirrored servers distributed across the network." The Examiner further states that it would have been obvious to one of ordinary skill "to combine the system of Britt with the individual network device of Whitledge. Motivation to do so would have been to quicken response time by adding another server and allowing the servers to work as a multiprocessing system." See page 3 of the Office Action.

Applicants submit that Britt teaches conversion of data within the portals themselves, there is no suggestion or teaching to modify Britt's system to perform conversion outside the portals. This is similar to the prior art discussed in applicant's background section. The Examiner relies upon the statement that Britt's system may include numerous different servers to suggest that Britt's system would and could include a conversion server as claimed by applicant. As noted above, the statement at paragraph 51 states "alternative embodiments of the invention may include numerous different servers (e.g. database servers, web servers, etc.)." This statements suggests that other servers could be included in the system, not that servers already making up the core infrastructure can be modified. This statement also suggests that Britt's current network system is unchanged and that other servers may be added (included) to Britt's current core system. In short, it does not teach or suggest modifying the portal servers themselves, therefore the portal servers in Britt's system retain their conversion operation.

Further, it suggests including servers that perform different functions from that of the current servers in Britt's system, e.g. database servers, web servers, etc. One of ordinary skill would not look to Britt's system and suggest adding the content server of Whitledge which also performs conversion operations and include the content server of Whitledge in Britt's system in which conversion is already performed by the portal servers.

Applicant respectfully submits that paragraph 51 of Britt does not state how servers are to be used, where they are to be implemented, why they would be implemented, why a conversion server is necessary when conversion is already performed at the portal servers, nor does it suggest any of the above. In the instant rejection, the Examiner lacks any motivation to combine the teachings of the Whitledge reference with those of Britt. When making such a combination, a substantial modification and functionality of Britt's system necessarily needs to be made. With the Examiners current position, Britt's system would include multiple conversion operations at different locations. This doesn't make any sense based on what is taught by the references. One of ordinary skill in the art would not be inclined to make such a modification based on the teachings within Britt and Whitledge. Indeed, the modification proposed by the Examiner creates numerous to technical difficulties which would not be readily resolved. Consequently, no *prima facie* case is made and the combination can not fairly be made.

Accordingly, applicants respectfully submit that the Examiner has failed to provide proper motivation for combining the teachings of Britt and Whitledge to achieve the claimed features of independent claim 1.

Conclusion

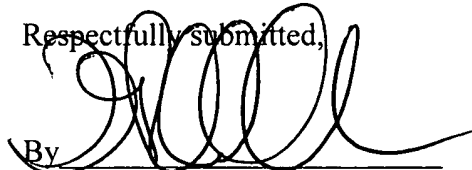
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Chad Billings (Reg. No. 48,917) at (703) 205-8001 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 12, 2006

Respectfully submitted,



By
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